

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
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FISCAL IMPACT STATEMENT

LS 7156

BILL NUMBER: SB 414

DATE PREPARED: Jan 24, 1999

BILL AMENDED:

SUBJECT: Correctional facility nursery program.

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FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State

Summary of Legislation: This bill requires a superintendent of a correctional facility to arrange for a pregnant woman who is incarcerated at the facility to be provided with childbirth accommodations and medical care outside the correctional facility. It also requires the woman to return to the correctional facility after the birth of the child as soon as the woman's health permits.

This bill establishes a correctional facility nursery program to enable physically and psychologically fit incarcerated mothers to keep their infants with them during incarceration, if: (1) the woman is approved for the program; and (2) vacancies in the program exist. It provides that the infant may be cared for through the correctional facility nursery program until the infant becomes one year of age. It also provides that the purpose of the nursery program includes providing counseling and parenting skills education to the program participants.

This bill requires certain qualified persons to staff the nursery program. It requires medical staff assigned to the nursery program to provide certain medical care and education. It also requires, as part of the nursery program, the department of correction to establish and operate an infant care center for care of the mothers' infants during their absence.

This bill establishes a nursery interdisciplinary committee to address operational problems, make policy changes, and discuss any cases of participant maladjustment within the nursery program. It also requires the superintendent of a correctional facility to contact the county office of family and children to provide services for the infant if: (1) an incarcerated mother is not eligible for the nursery program or a vacancy in the nursery program does not exist; and (2) the infant's father is not available to care for the child.

Effective Date: July 1, 1999.

Explanation of State Expenditures: Under this bill, nursery programs would be established in Department

of Correction (DOC) medium security facilities. The Rockville Correctional Facility (average daily population 533) and the Indiana Women's Prison (ADP, 329) would be eligible under this proposal. Currently, some provisions are made for children to spend time with mothers (e.g., the Indiana Women's Prison has a children's play area for visiting hours). However, this bill would require more extensive resources, as outlined below. There is no appropriation for this bill.

As of December, 1998, the 46 total female offenders would be effected if the provisions of this bill were already in place: (1) 13 offenders with children under one year; (2) 17 offenders who have recently given birth while imprisoned; and (3) 16 offenders who were pregnant.

Cost Considerations

The following items represent some of the cost issues involved in setting up a nursery program under the provisions of this bill. A full-cost projection is currently unavailable and would be dependent on the number of participants deemed suitable for this program.

Staff Requirements: two early childhood teacher/nursery managers; several pediatric nurses; two psychologists; two alcohol and substance abuse treatment counselors; and additional correctional officer (e.g., to serve a child escorts).

Medical Care: The current services provided by the private provider Professional Health Services would need to be expanded to incorporate infant care and the contract cost would likely increase.

Facility Preparation: Remodeling and/or construction may be required to house nursery programs.

Infant Necessities: Infant-specific equipment (educational and play items), food and clothing would be required.

Educational Requirements: The DOC already offers drug counseling and parenting skills classes to offenders.

The funds and resources required above could be supplied through a variety of sources, including the following: (1) Existing staff and resources not currently being used to capacity; (2) Existing staff and resources currently being used in another program; (3) Authorized, but vacant, staff positions, including those positions that would need to be reclassified (As of December 31, 1998, DOC had 46 vacant positions.); (4) Funds that, otherwise, would be reverted; or (5) New appropriations. Ultimately, the source of funds and resources required to satisfy the requirements of this bill will depend upon legislative and administrative actions.

New York State currently operates two nursery programs in its facilities. These are directed toward first-time, nonviolent offenders serving sentences of between one and three year. One child care center is operated under private contract. The other is staffed by community volunteers and inmates. Pediatric and prenatal care are provided under contract with a local medical center.

More information will be provided as it is collected.

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: Department of Correction.

Local Agencies Affected:

Information Sources: Planning Division, Department of Correction.